

REMARKS

I. INTRODUCTION

Favorable reconsideration of this application, in light of the present amendments and following discussion, is respectfully requested.

II. STATUS OF THE CLAIMS

By the present amendment, claims 1 and 2 are amended. Claims 1-3, 5-8, 11 and 13 are currently pending and claims 1 and 8 are the independent claims. It is respectfully submitted that no new matter is added herewith.

III. SUMMARY OF THE OFFICE ACTION

In the outstanding Office Action, the specification is objected to because of terms that are not clear, concise and exact; and claims 1-3, 5-8 11 and 13 are rejected under 35 U.S.C. § 112, second paragraph.

IV. ARGUMENTS

A. Objection of the specification

In the outstanding Office Action, the specification is objected to for having terms that are not clear, concise and exact. More specifically, the Office Action indicates that the definition of the points upon which the variables Y1, X1, X2 and H are based are unclear. Set forth below is clarification of each of these variables.

Variable Y1

In response to the Examiner's questions regarding the points of contacts and the variable Y1, Applicant notes that there are three points of contact (P) between the slider and the track: a top point (P), a bottom point (P), and a middle point (P), (see three points designated as (P) on

the Figure). The variable Y1 is defined between the first top point and the second bottom point. The specification has been amended at page 10 to clarify these two points of contact of the variable Y1. Because Y1 and the top and bottom points of contact are shown in the Figure, Applicant submits no new matter is added.

Variable X2

Regarding the variable X2, Applicant notes that it is defined between the middle point of contact (P) and the bottom point of contact (P). As explained above, there are only three points of contact, i.e., the top point, the bottom point and the middle point. More specifically, the variable X2 is the horizontal distance between the axes defined by the middle point of contact and the bottom point of contact as seen in the Figure. The specification has been amended at page 11 to clarify the definition of the variable X2. Because X2 and the bottom and middle points of contact are shown in the Figure, Applicant submits no new matter is added.

Length (9)

Length (9) is the vertical portion of the frame (2) of the door and is not a measurement. To avoid further confusion, the specification has been amended to change “length (9)” to “portion (9)”. Also, variable h is the height of the window as described in the specification, which coincides with the length of the portion (9). Applicant believes no new matter is added by changing “length” to “portion”.

Variable X1

With regard to variable X1, the point that defines the right side of X1 is the point where the first slider assembly (4) is attached to the portion (9) of the door frame. Also, the phrase “the end of the track (6) secured to the door frame” has been deleted from pages 3 and 11 of the

specification to avoid confusion. Finally, the specification is amended to correct the “lower portion” to the “lower edge” as corresponding to element (14), as requested in the Office Action. Applicant believes such amendments to the specification adds no new matter.

B. Rejection of Claims 1-3, 5-8, 11 and 13 under 35 U.S.C. § 112, second paragraph

In the outstanding Office Action, claims 1-3, 5-8, 11 and 13 are rejected under 35 U.S.C. § 112, second paragraph as allegedly being indefinite. In response, Applicant has reviewed the claims carefully and has made amendments accordingly. For example, claim 1 is amended to clarify that the first distance is between a top point of contact and a bottom point of contact commensurate with the definition of the variable Y1, as discussed above. Claim 1 is also amended to change the “length of the frame” to “a portion of the frame” corresponding to the portion (9) of the frame, as discussed above. Finally, claim 1 is amended to delete any reference to the term “maximum”.

Therefore, in view of Applicant’s clarification in the specification as well as the amendments to claim 1, Applicant requests reconsideration and withdrawal of the rejection of claim 1 under 35 U.S.C. § 112, second paragraph.

With regard to independent claim 2, that claim is amended to clarify that the fourth distance is between a bottom point of contact and a middle point of contact commensurate with the definition of the variable X2, as discussed above. Thus, Applicant believes that dependent claim 2 is definite and respectfully request withdrawal of the rejection under 35 U.S.C. § 112, second paragraph.

As for the remaining claims, the Office Action does not identify any specific language that is unclear. Independent claim 8, in particular, does not recite any of the variables found to

be objectionable in the rejection under § 112, second paragraph. Therefore, no amendments have been made to independent claim 8 nor its dependent claims 11 and 13.

V. ALLOWABLE SUBJECT MATTER

In the Office Action, the Examiner indicates that due to the rejection under 35 U.S.C. § 112, second paragraph, an opinion as to allowability of the claims could not be provided. However, Applicant notes that no specific issues of indefiniteness are raised with regard to independent claim 8. Indeed, independent claim 8 does not recite any of the variables objected to in the specification and in independent claim 1. Thus, Applicant submits that independent claim 8 was in condition for examination on the merits. Therefore, because no prior art rejection was cited against independent claim 8 or its dependent claims 11 and 13, Applicant assumes that independent claim 8 and dependent claims 11 and 13 are in condition for allowance.

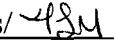
VI. CONCLUSION

In view of the foregoing discussion and present amendments, it is respectfully submitted that this application is in condition for allowance. An early and favorable action is therefore respectfully requested.

Please charge any shortage or credit any overpayment of fees to BLANK ROME LLP, Deposit Account No. 23-2185 (001058-00023). In the event that a petition for an extension of time is required to be submitted herewith and in the event that a separate petition does not accompany this response, Applicants hereby petition under 37 C.F.R. 1.136(a) for an extension

of time for as many months as are required to render this submission timely. Any fee due is authorized above.

Respectfully submitted,

By: /Tara L. Marcus/ 
Tara L. Marcus
Reg. No. 46,510

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BLANK ROME LLP
Watergate 600 New Hampshire Ave., N.W.
Washington, D.C. 20037-2485
(202) 772-5800 (Phone)
(202) 572-8398 (Facsimile)